

REMARKS

Claims 2-17, 19 and 21-42 remain in this application, of which Claims 4-12, 15, 17 and 21-32 have been withdrawn from examination as being directed to non-elected species. Claims 2, 13, 16, 17, 19 and 33 have been amended to define still more clearly what Applicant regards as his invention, in terms that distinguish over the art. Of the claims under consideration, Claims 2, 13, 19 and 33 are independent.

Initially, Applicant thanks the Examiner and his supervisor for the courtesies extended his undersigned representative in conducting a personal interview with him on July 20, 2004. During that interview, a number of matters were discussed, including in particular the nature of the invention, and Applicant's provision of what he believes to be a novel kit, for use by plastic surgeons in rhinoplastic procedures. Some of the prior art of record was also reviewed, including the conventional struts shown in catalog pages submitted with Applicant's first Information Disclosure Statement.

Independent Claim 2, directed to an individual implant, now specifies that the implant is one of a list of types of such implants that are used in rhinoplasty. Since these types or shapes of augments are themselves known (although not with the connector elements that are recited in the claim), it is intended that this listing will obviate the Examiner's expressed concern that the use of the word "rhinoplastic" was by itself merely a statement of intended use.

Independent Claim 13, similarly, is directed to an individual strut. As was discussed at the interview, this claim has been amended to clarify that the female connector is not simply a hole stamped in the strut as occurs in conventional struts. This amendment is not a change in what Applicant intends to claim, but is merely to clarify the language.

Independent Claim 19, directed to a kit, has been amended by specifying that the elements in the kit include at least one strut, and at least one rhinoplastic augment selected from a list of types. The language added to Claim 13 about the form of the female connector on a strut has not been added to Claim 19, since for the following reason it is not thought to

be needed: If the male connector is on the augment, then the claim is believed to distinguish over the prior art at least by virtue of that feature, even if a conventional through-hole in the strut were deemed to be a mating female connector.

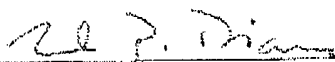
Independent Claim 33, also directed to a kit, again specifies that the kit includes a strut and at least one augment from a list of known types of rhinoplastic augments. The claim differs from the other independent claims under consideration in not specifying that the connectors provided on the at least two elements are male and female ones that are attachable to each other by means of a snapping engagement, but merely are securable to each other without the use of screws. The claim also specifies that the two elements, as provided in the kit, are not in engagement with each other. (This, for one thing, distinguishes the claimed kit from a surgical implant in which the manufacturer has used a snap-fit to join two pieces of the device, as in *Tallarida*.)

A Second Information Disclosure Statement is being filed concurrently herewith.

Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

  
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